

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

CHRISTINE M. ROBERTS,)
))
 Plaintiff,))
))
v.)) **Case No. CIV-16-389-Raw-Kew**
))
NANCY A. BERRYHILL,))
Acting Commissioner of Social Security))
Administration,))
))
 Defendant.))

ORDER REMANDING CASE FOR FURTHER PROCEEDINGS

On January 16, 2018, Magistrate Judge West entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to plaintiff. The recommended remand was based upon (1) the ALJ failing to give adequate justification for only giving partial weight to the treating physician's opinion and (2) failing to perform a proper credibility determination as to claimant. Defendant filed an objection (#21), and plaintiff has filed a reply (#22), which have been duly considered.

Essentially, defendant argues that the Magistrate Judge conducted a *de novo* review and re-weighed the evidence, as opposed to showing deference to the ALJ's findings.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The

decision of the Secretary is reversed and this case is remanded to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

ORDERED THIS 7th DAY OF MARCH, 2018.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE